

GOVERNMENT OF TELANGANA

ABSTRACT

Tribal Welfare Department – Telangana State – Adilabad District – Issue of Agency Area Local ST Certificates under GO Ms.No.24 of dt.12.6.2018 of TW (LTR.1) Department – Cancellation of certificate by the Collector & District Magistrate, Adilabad District vide Procs. Rc.No.C3/2596/2019-12, dated 31.01.2020 - Appeal filed by Jadhav Nikesh S/o Jadhav Govind, R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district – Appeal allowed – Orders – Issued.

TRIBAL WELFARE (LTR) DEPARTMENT

G.O.Ms.No. 15

Dated: 05-02-2021
Read the following:-

1. GO Ms.No.24, TW (LTR.1) Department, dated 12.6.2018.
2. Procs. Rc.No.C3/2596/2019-12, dated 31.01.2020 of the Collector & District Magistrate, Adilabad District.
3. Appeal petition filed by Jadhav Nikesh S/o Jadhav Govind,R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district, dated 20.02.2020.
4. Govt.Memo.No.304/TW.LTR/2020, dated 05.06.2020
5. Lr.Rc.No.D5/309/2018, dated: 30.07.2020 of the PO, ITDA, Utnoor, Adilabad District.
6. Notice No.304/TW.LTR/2020, dt. 28.08.2020.

ORDER:

In the reference 1st read above, Government have issued detailed guidelines for issue of Agency Area Local Scheduled Tribe Certificates to the local STs living in the Scheduled Areas and procedure to be adopted for cancellation of such certificates in case of fake/bogus claims.

2) In pursuance of the said Government orders under reference 1st read above, the District Collector, Adilabad District vide her orders in the reference 2nd cited, has cancelled Agency Area Local ST Certificate bearing Rc.No.C/601/2019, dt.01.11.2019 issued by the Tahsildar, Utnoor Mandal to Jadhav Nikesh S/o Jadhav Govind, R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district and also declared him as not a local Scheduled Tribe as per definition of G.O.Ms.No.24, TW (LTR.1) Department, dt.12.06.2018, basing on the following findings of the Scrutiny Committee:

- Appellant appeared before the Committee on 30.11.2019 & 02.12.2019 and submitted following documents:
 - Copy of 1358 Fasli (1948 year) of Sakera village.
 - Copy of 1955-56 Khasra Pahani of Sakera.
 - Copy of 1956-58 theen sala Pahani of Sakera village.
 - Pahani extracts of 1960-61, 1965-66, 1972-73, 1980-81, 1994-95 and 2000-01 of Nagapur village.
 - Copy of PPB old.

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- Copy of 1959 voter list.
- Scrutiny Committee has fixed the final hearing on 24-12-2019 and finally concluded with the following findings:
 - On verification of Family Tree & land documents, the applicant has submitted land documents pertaining to (02) different villages Sakera & Nagapur and (02) different Family Trees.
 - In one Family Tree submitted in Tahsil Office, Utnoor as Cheemanaik S/o Potya Naik as Great Grand Father who is with (4) Sons Ambaji, Dhoopsingh, Roopchand, Ramjee & Mohansingh.
 - In another Family Tree submitted in PO ITDA Office Utnoor as Ramsingh S/o Dhena as Great Grandfather, who is with (3) sons Sakriya, Dhupriya and Mohansingh (Grandfather).
 - It is highly objectionable and surprising that the same applicant submitted (02) different Family Trees in Tahsildar Office and in PO ITDA Office which amounts to presenting dishonest information before Executive Magistrate.
 - Thus it is revealed that, the applicant has failed to prove that, the forefathers of family are residing continuously in Agency Scheduled Areas since 1950 'or' before.
 - The Scrutiny Committee opined that there is no significant evidence to prove that Sri Jadhav Nikesh S/o Govind R/o X Road, Nagapur (vg) of Utnoor Mandal of Adilabad District belongs to Agency Area and hence recommended for cancellation.
- A show cause notice was issued to Jadhav Nikesh S/o Jadhav Govind to attend before the Dist. Collector, Adilabad District on 30.01.2020 to prove his claim as Local Schedule Tribe with relevant material/documents.
- Accordingly, Jadhav Nikesh attended before the Dist. Collector, Adilabad on 30.01.2020 and submitted reply stating that (2) different family trees produced. There is no clarity as to how Chandbai W/o Tarachand and Prem Singh are related and has failed to prove that his forefathers/family members are residing continuously in the Agency Scheduled Area since 1950 or before.

3) Aggrieved by the above cancellation orders of the Collector & District Magistrate, Adilabad District, the Appellant Jadhav Nikesh S/o Jadhav Govind, R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district vide ref. 3rd read above, has filed an Appeal before the Government under GO Ms.No.24, dt.12.6.2018, TW (LTR.1) Department. The contentions of Jadhav Nikesh S/o Jadhav Govind are as follows:

- He has been selected for the post of Secondary Grade Teacher (SGT) against ST Local vacancy in Adilabad Agency Area.
- Name of his great grandfather i.e. Ramsingh S/o Dhena recorded in the Pahani of Fasli 1358 (1948 year).

::3::

- His grandfather Mohan S/o Ramsingh who lived in Sakera village from 1948 to 1960 died and after his death, his grandmother migrated to Nagapur village and was cultivating.
- He obtained Agency Area Certificate from Tahsil Office, Utnoor showing the details of his forefathers Ramsingh S/o Dhena, Mohan Singh S/o Ramsingh and Govind S/o Mohansingh.

4. Therefore, the Appellant prayed the Government to consider his appeal re-examining his land records.

5. The following documents have been submitted along with the Appeal and also during hearing on 5.9.2020.

i) As per Family Tree duly Notarized on 02.08.2020:

- J.Ramsingh S/o Dhena is great grandfather of appellant. He has three sons viz., 1) Sakhriya 2) Dhupsingh and 3) Mohansingh (grandfather of appellant).
 - Mohan Singh i.e. grandfather of appellant has three sons viz., 1) Premsingh 2) Ravinder and 3) Govind (father of appellant).
 - Govind i.e. father of appellant has one daughter and two sons namely 1) Jyothi 2) Venkatesh and 3) Nikesh (appellant herein).
- ii) Pahani 1358 Fasli (1948 year) – village: Sakera – Taluq: Utnoor – shows name of Ramsingh S/o Dhena (great grandfather of appellant) for an extent of acs.6.00 in Sy.No.16.
- iii) Pahani for the years from 1955-56 to 1960-61 – village: Sakera – Taluq: Utnoor – shows name of Sakriya S/o Ramsingh (i.e. brother of grandfather of appellant) for an extent of acs.10.00 in Sy.No.1.
- iv) Resolution of GP Jemlathanda (Sakera) Mandal: Utnoor dt.03.03.2020 – wherein it was stated that in Sakera (Jamalthanda) – Ramsingh S/o Dhena has three sons 1) Sakirya 2) Dhupsingh and 3) Mohansingh and they lived in the village from 1930 to 1960 doing cultivation. Sri Mohansingh has three sons 1) Premsingh 2) Ravi and 3) Govind (i.e. father of appellant) and Govind has three children 1) Jyoti 2) Venkatesh and 2) Nikesh – Nakesh is the applicant.
- v) Pahani for the year 1965-66 – village: Nagapur – Mandal: Utnoor – shows name of Mohan (grandfather of appellant) for an extent of acs.5.00 in Sy.No.47.
- vi) Old PPB – Khata No.151 issued by Tahsildar, Utnoor to Sri Jadhav Premsingh S/o Mohansingh (brother of father of appellant) – showing his land details Nagapur village – Sy.No.47/3 – extent 10.00 acres.

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- vii) Pahani for the year 1972-73 – village: Nagapur – Mandal: Utnoor – shows name of Prem S/o Mohansingh (brother of father of appellant) in Sy.No.47 for an extent of acs.24.15 under Koulu.
- viii) Pahani for the year 1980-81 – village: Nagapur – Mandal: Utnoor – shows name of Premsingh S/o Mohan (brother of father of appellant) in Sy.No.47/2 patta for an extent of acs.10.00 gts.
- ix) Pahani for the year 1994-95 – village: Nagapur – Mandal: Utnoor – shows name of Premsingh S/o Mohansingh (brother of father of appellant) for an extent of acs.10.00 in Sy.No.47/3.
- x) Pahani for the year 2001-02, 2002-03, 2003-04 – village: Nagpur – Mandal: Utnoor – shows name of Premsingh S/o Mohansingh (brother of father of appellant) for an extent of acs.10.00 in Sy.No.47/3.
- xi) GP Lingojitanda Resolution, Mandal: Utnoor - wherein it was stated that Mohansingh S/o Ramsingh (i.e. grandfather of appellant) living in Chimanaikthanda under Nagapur (Lingojitanda) GP. Mohansingh has three sons 1) Premsingh 2) Ravinder and 3) Govind (father of appellant) and Mohansingh has been cultivating lands from 1965 to till date in the village. Govind S/o Mohansingh has three children 1) Jyoti 2) Venkatesh and 3) Nikesh – Jadhav Nikesh is the applicant.
- xii) Voter list for the year 1977 of 243 Khanapur Assembly Constituency – Part No.106 – village: Nagapur – shows name of Sonabai W/o Mohan (grandmother of appellant) at Sl.No.249 under H.No.2-36.
- xiii) Certificate of Residence Certificate bearing No.D/161/98, dated 11.3.98 issued by Mandal Revenue Officer, Utnoor to Sri Jadhav Govind S/o Mohan (father of appellant) certifying that he is resident of Chimanaikthanda H/o Nagapur in Utnoor Mandal by birth.
- xiv) Copy of Progs.No.E1/22/89, dt.9.8.1989 of Dy.Executive Engineer (TW), Utnoor, wherein Sri Govind (father of appellant) was found working as Watchman in ITDA office.
- xv) Local ST Certificate bearing No.E/745/2016, dt.30.06.2016 issued by Tahsildar, Utnoor – wherein it was certified that Jadhav Nikesh S/o Govind R/o Chimanaik Tanda village of GP Nagapur of Utnoor Mandal belongs to ST by caste Lambadis and further certified that Sri J.Govind (father of appellant) and his parents have been continuously residing from 1950 to till date at Chimanaik Tanda of GP Nagapur village of Utnoor Mandal as per Fasli 1950 and Khasra Pahani year 1954-55 of Chimanaik Tanda of GP Nagapur, which is a scheduled village of Utnoor Mandal since 26.1.1950.

- xvi) Agency Area Local ST Certificate bearing Rc.No.C/601/2019, dt.1.11.2019 issued by Tahsildar, Utnoor certifying that Jadhav Nikesh S/o Govind belongs to ST Lambadis and that himself, his parents and grandparents have been continuously residing in Nagapur village since 26.01.1950, which is a notified scheduled village.
 - xvii) Resolution dt.10.02.2020 of GP X-Road, Lingojithanda, Utnoor Mandal, Adilabad District – wherein it was stated that Sri Jadhav Govind S/o Mohansingh (father of appellant) has been living in their village i.e. Nagapur (Lingojitanda) of Utnoor Mandal from the year 1960. Previously he lived in Sakera village of Utnoor Mandal from 1948 to 1960.
 - xviii) Certificate dt.10.08.2020 issued by Sarpanch, GP Lingojithanda (X-Road) Mandal: Utnoor – wherein it was stated that on the request of Sri Nikesh S/o Govind, it has been certified that as seen from the records of GP pertaining to the year 1968, the death particulars of Sri Mohansingh S/o Ramsingh (i.e. grandfather of appellant) were not recorded and hence certified.
 - xix) Resolution dt.10.2.2020 by PESA Gram Sabha of GP Lingojithanda (Chimanaikthanda) of Mandal: Utnoor – wherein it was stated that the forefathers of Jadhav Nikesh lived in Sakera village of Utnoor Mandal from 1930 to 1960 and from 1960 to till date they have been living in Lingojithanda GP of Nagapur Revenue village.
- 6) Vide reference 4th read above, the District Collector, Adilabad has been requested to submit original record pertaining to the case along with para-wise remarks.
- 7) Accordingly, vide reference 5th read above, the PO, ITDA, Utnoor, Adilabad District has submitted original record of the case along with para-wise remarks.
- 8) Vide reference 6th read above, a Notice has been to the Appellant to attend for hearing on 05.09.2020 at 11.00 AM before the Government to prove his claim along with documentary evidences. Accordingly, the Appellant has attended for hearing on 05.09.2020 submitted documents in support of his claim that they have been residing in the Agency Area since 26.1.1950.
- 9) From the above documents, it is found that the appellant Jadhav Nikesh S/o Govind is the local ST candidate of Nagapur agency village of Utnoor Mandal in Adilabad District
- 10) Government after careful examination of the documents available on record sent by the the PO, ITDA, Utnoor, Adilabad District, and documents submitted by the Appellant and along with the Appeal Petition, during hearing on 5.09.2020 and also in the light of the interim orders of the Hon'ble High Court of Judicature at Hyderabad for the State of Telangana and the State of Andhra Pradesh passed in IA No.1 of 2018 in WP No.31426

::6::

of 2018, dated 5.9.2018 and in IA No.1 of 2018 in WP No.32413 of 2018, dated 14.9.2018, it is found that the appellant Jadhav Nikesh S/o Govind is the local Scheduled Tribe candidate of Nagapur agency village of Utnoor Mandal in Adilabad District.

11) Accordingly, Government hereby set aside orders of the Collector & District Magistrate, Adilabad District in Procs. Rc.No.C3/2596/2019-12, dated 31.01.2020 and allow the Appeal filed by the appellant Jadhav Nikesh S/o Jadhav Govind, R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district and declaring him as local Scheduled Tribe of agency village of Nagapur, Utnoor Mandal of Adilabad District and also treated the LSTAC bearing No.C/601/2019, dt.01.11.2019 issued by the Tahsildar, Utnoor is treated as valid.

12) The Collector & District Magistrate, Adilabad District shall take further necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)

**Dr. CHRISTINA Z.CHONGTHU
SECRETARY TO GOVERNMENT**

To

The Collector & District Magistrate, Adilabad District.

Jadhav Nikesh S/o Jadhav Govind, R/o X-Road, Nagapur Village of Utnoor Mandal of Adilabad district

Copy to:

1. The Secretary, Telangana State Public Service Commission, Hyderabad (for information & necessary action)
2. The Project Officer, ITDA Utnoor, Adilabad District (for information & necessary action)
3. The District Educational Officer, Adilabad (for information & necessary action)
4. The PS to Hon'ble Minister for ST Welfare for information.
5. The PS to Secretary (TW)
6. The PS to Special Secretary (TW)
7. SF/SC.

//FORWARDED :: BY ORDER//

SECTION OFFICER